

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION DOCKET
FOR
MONDAY, APRIL 12, 2004**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

I. Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

Chargers Football Company, LLC v. City of San Diego
Los Angeles Superior Court No. BC 306 758

This matter concerns the litigation filed by the San Diego Chargers (Chargers) against the City of San Diego (City), and the City's related cross complaint against the Chargers, over the validity of the "trigger" notice delivered to the City by the Chargers in March of 2003 pursuant to the 1995 agreement for the use of Qualcomm Stadium (1995 Agreement). In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation and the status of any discussions with the Chargers concerning a proposal made by certain private citizens to end the litigation and modify the 1995 Agreement.

The proposal made by the private citizens would generally 1) require the Chargers to play at Qualcomm Stadium through the 2008 season; 2) permit the Chargers to play at the stadium on a year-to-year basis thereafter, but the Chargers could terminate the lease and leave San Diego; 3) eliminate the "ticket guarantee"; 4) require the Chargers to pay a flat rent of \$2 million per year through the 2008 season, and for each season the Chargers play at Qualcomm Stadium thereafter; and 5) if the Chargers terminate the lease after the 2008 season, the Chargers would pay the remaining principle on the City's bonds issued to improve the stadium in 1997, with a reduction in that payment if the lease is not terminated until after the 2011 season.

II. Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

a. Property:	Qualcomm Stadium
City Negotiator:	Council Member Michael Zucchet, Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert J. Kheel
Negotiating Party:	City of San Diego and the San Diego Chargers
Under Negotiation:	Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

This matter involves negotiations authorized by the City Council in March of 2003 between the City of San Diego (City) and San Diego Chargers (Chargers) regarding the Qualcomm Stadium site, pursuant to both the recommendations of the Citizens Task Force on Chargers Issues and the "Trigger Notice" sent to the City by the Chargers in March of 2003.

In closed session, the City's negotiating team will report to the City Council on the status of any discussion with the Chargers concerning a proposal made by certain private citizens to end the current litigation between the City and the Chargers, and modify the 1995 agreement for the use of Qualcomm Stadium by the Chargers. Please see the description on the closed session agenda under "pending litigation" – *Chargers LLC v. City* for a description of the proposal made by the private citizens.

Pursuant to the new temporary Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on April 12, 2004. The open session agenda for that day will reflect the appropriate open session item for public comment. The special closed session called pursuant to this memorandum may continue into Tuesday, April 13, 2004.